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SUMMARY RECORD OF THE 23rd MEETING
(SECOND PART)*

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on Tuesday, 16 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. GARRETON (Chile)

CONTENTS

Rights of persons belonging to national or ethnic, religious and linguistic minorities (continued)

World Conference on Human Rights (continued)

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)

* The summary record of the first part of the meeting appears as document E/CN.4/1993/SR.23.

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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (continued) (E/CN.4/1993/85; E/CN.4/1993/NGO/21)

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 25) (continued)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 22) (continued) (E/CN.4/1993/62 and Corr.1 and Add.1, 63 and 86; E/CN.4/1992/52)

1. Mr. VIGNY (Observer for Switzerland), speaking under agenda item 20, drew attention to the close link between respect for the rights of minorities and peace. Disregard for the rights of minorities increased tension and carried the threat of domestic or international conflict, as was sadly illustrated by certain regions of Europe, and in particular the Balkans. It was not through forcible assimilation of minorities that conflicts could be resolved, but on the contrary through their integration and recognition of their collective identity and dignity. He emphasized the major role played by the non-governmental organizations (NGOs) in furthering tolerance and cultural diversity as well as in seeking solutions to the problems of minorities.

2. Switzerland recognized that the rights of persons belonging to minorities, including indigenous populations, should be considered as universally recognized human rights and that they could only be guaranteed within a democracy governed by the law and by respect for all human rights, without any form of discrimination. However, experience had shown the inadequacy of merely prohibiting discrimination against minorities and guaranteeing individual rights; such measures had to be complemented by affirmative action on behalf of the members of minorities and by special rights which they could exercise either as individuals or as a group.

3. The General Assembly's recent adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities marked an important step towards recognizing the rights of minorities, despite its weak normative content in comparison with the standards he had just described. The implementation of the principles set out in the Declaration was all the more urgent as that non-binding international instrument was essentially a catalogue of internationally recognized rules. However, that achievement did not dispense the international community, and in particular the United Nations, from ensuring that the Declaration did not remain a dead letter. Accordingly, his delegation firmly supported the proposals made in the draft resolution to ensure follow-up of the matter by the Commission. Existing treaty-monitoring machinery and the Commission's institutional procedures should devote particular attention to the protection of minorities with regard to information, the prevention of violations, the settlement of disputes and good-offices missions. The Advisory Services, Technical Assistance and Information Branch could play a particularly valuable role in that respect.

4. It had been recognized that tension deriving from the problems of ethnic, religious or linguistic minorities lay at the root of conflicts that were currently responsible for major human catastrophes. Those contemporary tragedies sufficiently illustrated the danger that underlay failure by Governments to observe the fundamental rights of minorities and the relative

inaction of multilateral institutions. Finally, the Commission should provide itself with the means to intensify its action for the protection of minorities by taking tangible and resolute measures. He commended the review of the issue carried out under the guidance of the Special Rapporteur, Mr. Eide, in connection with his mandate from the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

5. U TIN KYAW HLAING (Observer for Myanmar), briefly reviewing the history of Myanmar, said that the main indigenous national races, whose original home lay in central and high Asia, had been living together throughout the ages within Myanmar's clearly defined physical frontiers.

6. The three main population groups, the Tibeto-Burmans, the Mon-Khmers and the Thai-Chinese, had moved into Myanmar in a southerly direction in successive waves and had settled in the territories which formed the Union of Myanmar. The first Pyidaungsu (Union) had been established by the ninth century, and had been followed by successive unions whose leader-kings had brought the fragmented principalities into a single united kingdom. However, under the combined impact of loosening unity and foreign penetration, initiated by the Portuguese and followed by the Dutch, Italians, British and French, the power of the Pyidaungsu had dwindled until inroads made by the British had led to the disappearance of the third Pyidaungsu and the annexation of Myanmar to the British Empire.

7. Colonial rule had changed the situation in Myanmar, whose monarchy had been destroyed and institutions eroded by three Anglo-Myanmar wars in the nineteenth century. Colonial rule had introduced forces which had arrested interaction among the various indigenous groups, among whom the divide-and-rule policy practised by the colonialists had created misunderstanding.

8. Under colonial rule, the border hill regions had been administered separately from the main part of Myanmar, thereby preventing the emergence of a modern relationship between the various indigenous national races of Myanmar. The policy of bestowing favours on certain indigenous people had inevitably led to clashes stemming from divided loyalties.

9. Under the leadership of General Aung Song, national unity had been attained at the Panglong Conference in 1947. The Panglong Agreement had been an expression of the will of all the national races of Myanmar to remain united, and its significance could be gauged from the fact that Myanmar had regained its independence less than a year later, on 4 January 1948.

10. The Government of Myanmar was committed to a policy of strengthening national union and solidarity. It had formed three high-level committees to accelerate measures for the development of border areas and national races, and a separate Ministry had been set up for that purpose. The main thrust of the programme for the development of border areas and national races was to establish an infrastructure for economic and social development in various sectors ranging from road construction through energy, agriculture and forestry to mining, at a total cost of 100 million kyats.

11. His delegation firmly rejected allegations of discrimination against any group of persons or national racial group on grounds of religion, language or race. The allegations concerned were fabrications by those who wished to interfere in the internal affairs of Myanmar in order to divide the country and destabilize the nation.

12. Mr. Garretón (Chile) took the Chair.

13. Mr. NGUYEN VAN SON (Observer for Viet Nam) said that, like many countries, Viet Nam was inhabited by numerous ethnic groups who for centuries had lived together without discrimination and who had all helped to defend and build their country. All Vietnamese citizens were equal before the law, and article 70 of the national Constitution recognized the rights of all citizens to freedom of belief and to practise or not to practise a religion. All religions were equal before the law and all places of worship were entitled to legal protection. Religious freedom was also guaranteed by domestic law. Article 124 of the 1985 Penal Code laid down a penalty of up to one year's imprisonment for anyone who violated freedom of religion.

14. The policy of renewal (Doi Moi) was currently achieving success in the economic, political and moral fields. As a result of political stability, considerable economic progress and rapid democratization, the population firmly supported the Government.

15. Referring to the report by Mr. d'Almeida Ribeiro (E/CN.4/1993/62), he said that on 8 September 1992, Viet Nam had sent replies concerning six of the cases mentioned. In addition, in 1990 it had transmitted replies on two other cases. The Vietnamese authorities would continue their investigations into the other cases and submit replies at the appropriate time. If people were arrested or held in custody, it was not for religious reasons but because they had broken the law and threatened national security.

16. Viet Nam's religious history had long been linked to politics. Religion had been used by foreign forces as a means of opposing Viet Nam's independence, and the Government of Viet Nam strove to distinguish between genuine religious beliefs and the use of religion as a pretext to undermine national security and Vietnamese law. The National Assembly of Viet Nam permanently monitored the activities of the Government in that sphere.

17. Referring to the recent allegations made by the representative of Pax Romana, he said that they had been false and intended to dishonour an ideology for both political and personal ends. As the Commission should not be used for such purposes, his delegation would refrain from replying.

18. Mr. CUSTODIO (Service, Peace and Justice in Latin America), speaking on agenda item 20, said he wished to focus on the situation of minorities in Myanmar, East Timor, Argentina, Guatemala and Honduras.

19. Since 1975, East Timorese had had to join the Catholic Church in order to find a haven in which to practise their religion and escape from their military rulers. Leading churchmen had frequently spoken out in their defence

and Bishop Belo had repeatedly called for a referendum to settle the future of East Timor. The church, whose bishops and priests were intimidated and interrogated, offered the only protection from the army.

20. The numerous ethnic minorities in Myanmar continued to be denied their political and social rights, and hundreds of thousands of people had been conscripted. Many had died as a result of ill-treatment, beatings or extrajudicial executions, and gang rapes of women by Myanmar soldiers were common. As a result, vast numbers of members of the ethnic minorities were currently living in Myanmar's border jungle areas.

21. His organization had resolutely supported the decision to award the Nobel Prize to Rigoberta Menchu, as a symbol of recognition and of the debt owed to the Amerindians. The International Year for the World's Indigenous People should be an occasion to do justice to all the world's indigenous populations. That required more than a mere commemoration of a holocaust that was still continuing 500 years after the so-called "discovery" of Latin America.

22. In Argentina, the State was selling land on which 350 Tobas families had been settled for centuries, arguing that they had not established legal title. Elsewhere, in the Matacos communities, the provincial Government had denied indigenous people the right to use lumber for firewood and for making charcoal. In Brazil, where the Indians had lived in perfect equilibrium with nature until the arrival of the white man, aboriginal peasants were continually dispossessed of their land and even their lives, as were those who dared to defend them. Indians in Guatemala were the victims of political repression, under the guise of counter-insurgency, that compelled them to live in strategic hamlets or in refugee camps in southern Mexico from which the Government refused to allow them to be repatriated. In Honduras, Indians had been deprived of their culture, language and land under the legal guise of the so-called law to modernize the agricultural sector that had ended the protection afforded by the Agrarian Reform Law.

23. Finally, he called on the Commission to renew and expand the mandate of the Special Rapporteur to cover human rights in every situation relating to minorities under item 20 of the agenda.

24. Mr. MAS CANOSA (International Immigrants Foundation) said that one of the fundamental objectives of the United Nations was to promote and preserve respect for the human rights and fundamental freedoms of all people, regardless of race, sex, language or religion. To achieve that end, the United Nations had adopted a broad range of instruments, the most recent being the Convention on the Rights of the Child. Those instruments had helped to develop international awareness of problems and represented a step forward, although they unquestionably fell short of expectations, particularly on the part of victims of human rights violations. That undeniable fact should encourage greater objectivity and realism regarding ways and means of ensuring that the noble effort of which they were part did not remain a dead letter, leading to the conviction among the victims that the United Nations wasted its time on speeches and documents, without achieving any effective results. If they came to that conclusion, their mistrust would deepen and violence would be seen as the only solution.

25. A new strategy was required, focusing on the effective implementation of existing instruments rather than the adoption of new ones. Successful implementation of existing instruments would open the way to more specific and effective legislation. To achieve that, the United Nations had to be strengthened and given a broader mandate to allow it to replace ethical or moral sanction by moderate but mandatory sanction. As a result of the end of the cold war and the slow-down in the arms race, the world situation had never been more favourable for the United Nations to play the role for which it had been conceived.

26. Although the International Convention on the Suppression and Punishment of the Crime of Apartheid had been adopted 20 years previously, racial segregation still existed and, if the United Nations had not introduced its trade and arms embargo against South Africa, the progress made towards eradicating that evil would not have been possible. The Commission could avail itself of a broad range of instruments to help to deal with at least the most serious human rights violations. The standing of the United Nations was damaged whenever the Commission remained inactive in the face of serious and persistent violations of fundamental freedoms, especially when they entailed loss of life, violence or discrimination.

27. Another major consideration in the promotion and protection of individual rights, particularly those of national, ethnic, religious and linguistic minorities, was that under totalitarian regimes, which still existed, despite the changes in Eastern Europe, people who did not sympathize with the Government received similar treatment to that meted out elsewhere to minorities. The essential difference was that in such countries it was a majority that was kept in subservience by an armed minority in power. It would be an extremely positive development if the Commission were to take action or at least make a declaration on that situation, in connection with the question of minorities.

28. His organization was concerned by the serious ethnic problems in the former Yugoslavia and in a number of republics of the former Soviet Union, and by the resurgence of racism. Finally, he drew attention to the worrying persecution of Jehovah's Witnesses in Cuba, the disproportionate number of mestizo and black prisoners among Cuba's prison population, the disturbing absence of mestizos and blacks in positions of authority in Cuba, and the case of a Cuban woman, Paula Valiente, who had been beaten in the presence of bishops during mass.

29. Mr. TOTSUKA (International Educational Development) welcomed the consideration given by the Commission in recent years to the drafting of a declaration on the rights of minorities and to the preparation of a report on national experiences in facilitating the peaceful and constructive solution of problems involving minorities.

30. Some of the issues confronting the Commission were exemplified by the situation in Sri Lanka, where, despite assurances that the legitimate grievances of various groups would be solved by secular policies and the strengthening of respect for human rights, the armed conflict between the Sinhalese-dominated Government and the Tamil people in the north and east of the island had taken a heavy toll in human life and suffering. The undeniable

reality of democracy in Sri Lanka over several decades was that the Sinhalese majority had perpetuated its oppressive rule over the Tamil minority through various forms of administrative and cultural discrimination.

31. The Tamil minority had lived within a relatively well-demarcated region in the north and east of the island for many centuries, and it was a historical fact that before the advent of the British in 1933, separate kingdoms had existed for the Tamil and Sinhalese areas of the island. The existence of two different nations had been recognized most recently by the 1957 Bandaranaika-Chelvanayakan pact and by the Sri Lankan Constitutions of 1972 and 1979.

32. The Government of Sri Lanka was opposed to the merger of the north and east of the island into a single administrative and political unit, and a visiting mission of the United Kingdom Parliamentary Human Rights Group had found evidence to suggest that it was the Government's objective to drive the Tamils out of the north and east in sufficient numbers to reduce their majority there and to settle armed Sinhalese in former Tamil areas. That objective had also been admitted by a senior Sinhalese civil servant, who had described a plan to move large numbers of land-hungry Sinhalese peasants into areas in the Maduru Oya delta, the Yan Oya basin and the banks of the Malwathu Oya in order to change the population balance and undermine support for the rebels.

33. The continued refusal of the Government of Sri Lanka to recognize the existence of the Tamil homeland had only served to prolong the conflict. His organization hoped that the Commission would not be swayed by the recent warning by the representative of Sri Lanka against any action to recognize the Tamil homeland and the right of the Tamils to self-determination and that it would adopt a less alarmist approach to the need to recognize their rights.

34. Mr. OZDEN (Centre Europe-Tiers Monde) said that environmental destruction, and in particular the devastation of vast areas of forest, not only endangered the long-term survival of mankind, but posed an immediate threat to indigenous populations and to their most fundamental right, the right to life. The Udege community in Siberia had successfully opposed a project to cut down 300,000 hectares of forest on which they depended for their livelihood. In 1992, their efforts, in conjunction with a campaign by Survival International, had led to a decision by the Russian Supreme Court to cancel the contract for the exploitation of the forest by a South Korean company.

35. Unfortunately, not all indigenous peoples were so successful in their attempts to protect their environment. In Malaysia, the Penan people had vainly attempted to prevent the deforestation of their land, from which Japan alone had extracted almost twice as many cubic metres of timber in 1991 as in 1987. The Government of Japan had expressed its "great concern" and the International Tropical Timber Organization had promised to introduce a moratorium on imports of tropical timber in the year 2000. However, such shirking of responsibility and procrastination held out no hope for the indigenous peoples living in the forests. The timber was imported for purposes that could in no way justify a threat to the very survival of the indigenous populations affected by the deforestation, and he called on the

Government of Japan to follow the example of the Governments of other developed countries which had introduced drastic measures for the immediate reduction of tropical timber imports.

36. In the Philippines, the holy mountain Apo, situated in a national park and the home of some 100,000 Lumads, whose name literally meant "sprung from the earth", was threatened by a geothermal project of the national oil company. Previous drillings in connection with the project, which had been suspended in 1988, had led to the pollution of rivers which provided farms with irrigation and drinking water, and children had been affected by skin diseases. The construction of roads for the project would facilitate access by new settlers to an area considered sacred by its inhabitants. The oil company attempted to play on divisions among the inhabitants to achieve its ends, and there was reason to fear a repetition of the tragedies that had accompanied the Chico dam project under the Marcos dictatorship.

37. In Brazil, since 1988 the Constitution had required the Government to delimit and legally register all indigenous land. The process of registration was due to be completed by the end of 1993, yet two thirds of indigenous territory had still not received full legal recognition. The Government of Brazil invoked financial difficulties to explain its failure to complete the process, to which the indigenous organizations replied that the delimitation of indigenous land flowed from a political decision which should be implemented whatever the cost. They also demanded that Brazil should define a policy towards its indigenous populations in order to meet their needs, and finally an end to the invasion of their land and to the impunity enjoyed by those responsible for the violence against them.

38. Ms. NUÑUZ DE ESCORCIA (Commission for the Defence of Human Rights in Central America) said that the rich diversity of indigenous peoples and communities of Latin America made them the guardians of knowledge and traditions that enriched the heritage of mankind and the practitioners of the deepest form of solidarity. With more than 50 ethnic groups and peoples, Central America was the region with the largest indigenous population in the Americas. However, the indigenous populations had been subject to forms of domination that excluded them from decision-making and from active participation in national development. Only the Constitutions of Nicaragua, Panama and Guatemala made any provision for them and for their rights, while the Honduran Constitution barely required the State to preserve and foment native cultures. In Costa Rica, a special regime that afforded protection for the indigenous communities settled in reservations had developed outside the Constitution, although the protection it afforded had not been sufficient to prevent their marginalization. The right to autonomy had been won only by the indigenous populations of Panama and by the indigenous and Negro populations of Nicaragua, although in both cases the status and rights of the populations concerned were violated by central Government bodies or undermined as a result of the socio-political crisis and the deterioration of democracy.

39. It was disturbing that not all the Central American States had ratified ILO Convention No. 169 and that the Governments of the region had to a greater or lesser degree introduced policies and practices that violated the rights of

indigenous peoples and led to the expropriation of their land, the forced introduction of private property and their permanent exclusion from national programmes of every sort.

40. She wished to draw particular attention to the situation in Guatemala, whose indigenous population made up almost 70 per cent of the total. The counter-insurgency policy practised by the Guatemalan Army had left in its wake an amply documented trail of massacres, extrajudicial executions and large-scale disappearances. The military repression had forced whole populations to become internally displaced persons and even to give up their traditional costumes to hide their origin, thereby depriving them of their culture. The indigenous population was denied participation in decision making, and educational programmes made no provision for large-scale bilingual education in Spanish and in the 22 indigenous languages and 170 dialects.

41. The situation was summed up in the joint pastoral letter of the Bishops of Guatemala, cited by the Independent Expert, Mr. Christian Tomuschat, in paragraph 197 of his report (E/CN.4/1993/10), which concluded with the observation that the indigenous people were "those who suffer most from impoverishment, abandonment, destitution and death. Paradoxically, they are the ones who are most unjustly forced to work to produce the profits and capital of those who control the means of production in Guatemala."

42. She mentioned some of the individual victims of the oppression in Guatemala, including Esteban Tojín, who had been kidnapped and subsequently murdered, María Tojín and her baby who had disappeared at the hands of the armed forces, Amílcar Méndez, leader of the Ranujel Junam Ethnic Communities Council and Rosalina Tuyuc, President of the National Commission of Guatemalan Widows. Her organization would hold the Guatemalan Government and army responsible for any aggression against the latter two leaders.

43. The Commission should recognize the gravity of the human rights situation in Guatemala as described in the report of the Independent Expert and henceforth consider it under item 12 of its agenda. The most suitable way of commemorating the International Year for the World's Indigenous People would be to appoint a delegation to investigate on the spot the blatant violations of the rights of the Maya people, and it was to be hoped that Mr. Tomuschat would be appointed Special Rapporteur so that he could devote closer attention to the problems of Guatemala's indigenous population.

44. Lastly, she called on those States which had not yet done so to sign and ratify ILO Convention No. 169 and to give their support to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

45. Ms. BLOCH (Minority Rights Group) welcomed the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which could not have been more timely in view of the breakdown of the power structures in the former USSR and Eastern Europe that had led to an intensification of ethno-nationalism, whose consequences could be seen in the former Yugoslavia. The current political trend was towards recognition of the link between human rights, peace and stability. Although it had recently become clear that the protection of

minorities was a central issue in conflict resolution and peace building, it was not yet completely accepted that full minority rights must be provided in every State; all too often, attention was paid to minority rights only when violence erupted. The main political philosophy of the last two centuries had been that of the nation State, which perceived minorities as a threat, and whose results were apparent in the former Yugoslavia.

46. The Declaration was an important step towards furthering the philosophy of States as pluralistic societies, although understanding of minority rights was still limited and much remained to be done to further understanding of the link between inter-community relations and minority rights. Greater attention had to be focused on the complex structure of minorities and on the different needs of their members.

47. In his second progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1992/37), Mr. Eide had identified the need for different approaches to different situations. It was to be hoped that his final report would be the starting-point for identifying models of good practice in relation to the diversity of situations.

48. Her organization's three principal aims were remedial, preventive and educational and included securing justice for groups suffering discrimination. It had consistently drawn the attention of the international community to minority situations, and in order to advance the debate on minority concepts and practical ways of implementing minority policies it had developed a special programme on the Declaration. The Minority Rights Group would promote the Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic and Religious Minorities through seminars and publications in order to further awareness of the Declaration, develop practical policies for its implementation and help to reconceptualize preventive diplomacy, peace keeping and peace making, empower minorities to bring their cases to the attention of the international community and establish a permanent network of agencies and partners to advance the Declaration.

49. In conclusion, her organization recommended that the Commission should maintain the subject of minorities on its agenda as a separate item under which all efforts on implementing the Declaration should be reported and further implementation mechanisms debated. The programme of advisory services and technical assistance should draw up a special programme to promote the Declaration and a working group, open to minority representatives, should be established to give minorities a platform where they could raise their concerns. A dialogue should be encouraged between Governments and minorities and a special rapporteur of the Commission should be appointed to act as an early action mechanism to facilitate dialogue, confidence building and mediation.

50. Mr. Ennaceur (Tunisia) resumed the Chair.

51. The CHAIRMAN invited those delegations wishing to do so to exercise their right of reply, in accordance with rule 45 of the Commission's rules of procedure, to statements made under agenda item 20.

52. Mr. YOUSIF (Sudan) referred to statements made at the previous meeting by the Anglican Consultative Council, the World Organization against Torture, the International Fellowship of Reconciliation and the International Association for the Defence of Religious Liberty, whose orchestrated campaign against Islamic countries in general and the Sudan in particular showed that they were promoting religious intolerance through their extremist and discriminatory views. His delegation categorically rejected their exaggerated assertions. Its own sources indicated that those organizations were working closely in the southern Sudan with the so-called Sudanese People's Liberation Army (SPLA). They realized that the SPLA was disintegrating and unable to carry on its campaigns of murder and pillage. They had neglected to inform the Commission of the atrocities committed by their ally, the rebel leader John Garang, who had kidnapped more than 50,000 children as recruits for his red army, to mention but one of his most heinous crimes. In response to the claims of ethnic cleansing and rape, his delegation wished to emphasize that rape was a horrific crime which was alien to Sudanese culture and behaviour and for which the death penalty could be imposed in the Sudan. NGOs, and particularly those with a special hatred of Islam, should not be allowed to abuse their consultative status to make unjustifiable and absurd allegations.

53. It had also been claimed that only Muslim NGOs were allowed to operate in the troubled areas. In fact, of the 50 NGOs authorized to work among displaced people in the Sudan, only a few were Muslim organizations and their performance was highly commendable and effective.

54. His Government did not impose Islamic law on non-Muslims, nor did it target non-Muslims in the war in the south. The army did not ask the rebels who were shelling towns and killing civilians what religion they professed. Instead of spreading lies, the organizations to which he had referred would do better to advise their friend, Mr. Garang, not to besiege the people of Juba, the majority of whom were Christian.

55. The campaign of vilification against the Sudan, whether conducted by individual countries or by NGOs, showed complete disregard for the truth and sought to achieve political aims with no concern for morality. It would not serve the promotion of human rights to heed such fabricated and biased allegations, regarding which the Sudan had already responded to the United Nations and respectable NGOs.

56. Mr. HUSSAIN (Pakistan) noted that the representative of the International Association for the Defence of Religious Liberty had thanked his Government for its efforts to uphold religious liberty, in a manner consistent with the liberal approach of Pakistan and its founding father, but he nevertheless wished to clarify a number of points for the record. First, blasphemy laws in Pakistan were applied equally and uniformly to protect all revealed religions and their prophets. They did not discriminate against Christians. Only a week earlier, for example, a Muslim had been prosecuted for blasphemy against Jesus Christ. Secondly, the nationalization of educational institutions had likewise not been directed against any one community but concerned both Muslims and Christians. Thirdly, the isolated case of murder of a Christian had been the act of a demented individual not condoned by the State, and the person accused had been put on trial. Linking that isolated case to the State or Government of Pakistan was like attributing recent racist incidents in some

Western countries against foreign workers to the Governments of those countries. Lastly, in keeping with its traditional tolerance and hospitality, Pakistan always welcomed people regardless of religion, caste, creed or race. Recently, for instance, Hindus and Sikhs fleeing the fighting in Afghanistan had been made welcome in Pakistan territory. Pakistan's record in that regard could be confirmed by the International Association for the Defence of Religious Liberty.

57. Mr. CHANDRA (India) said that an NGO and the representative of Pakistan had engaged in a diatribe on the situation of minorities in India that was uncalled for, because the recent incidents of violence were the exception rather than the norm, because India's ethos, Constitution and institutions fully safeguarded minority rights, because Pakistan's own record on that account had been abysmal and because Pakistan's actions and statements were geared to stoke the fires of communalism.

58. The Constitution of India safeguarded its citizens against discrimination on grounds of religion, race, caste, sex or place of birth. That applied also to employment or appointment to any State office. There was freedom of conscience and religion. Minority rights guaranteed under the Constitution were further safeguarded by India's institutions, most notably the Parliament, an independent judiciary and a free press. What mattered even more was practice. India was home to many differing linguistic and religious groups. It had over 100 million Muslims, and other members of religious minorities numbered tens of millions. The minorities participated in all aspects of national life. Three out of nine Presidents of the Republic had been from minority communities and four out of fifteen Cabinet ministers were today from the minorities. In Pakistan, by contrast, the Constitution debarred any person belonging to a minority from holding the post of head of State or Government, offices which required a pledge of allegiance to maintain exclusively the State ideology of a single religion.

59. The recent rioting in some parts of India had been the product of communal tensions, exacerbated by inflammatory rhetoric and action from across national frontiers and used by anti-social elements for their own interests. His Government deeply regretted what had happened, but to claim that any single community had been victimized was grossly incorrect. Not only had comprehensive judicial inquiries been instituted, but prompt relief and rehabilitation measures had been taken, entailing the disbursement of over $10 million up to January 1993. The allegation of central government complicity in the demolition of the Babri Masjid was a gross travesty of the facts. Under the Constitution the maintenance of law and order was a local government function, but the Government of India had taken prompt measures following the destruction, including registration of cases and arrest of those responsible, dismissal of State Governments, banning of communal organizations, setting up of a judicial inquiry and a decision to build a mosque and a temple.

60. In contrast to India's efforts to calm the situation, Pakistan had fuelled the flames of communal tensions in its own country with scant regard for its own minorities and in the knowledge that that would exacerbate tensions across the border. In a matter of days, Pakistan had destroyed over 245 temples, as well as gurudwaras and churches. The Prime Minister of

Pakistan himself had reportedly spoken of "taking revenge" against Hindus, and Pakistani Ministers were known to have personally led assaults on Hindu places of worship. The minorities had been rendered mute and, following decades of persecution, feared the onset of religious apartheid. With that record, it was inexplicable how Pakistan could criticize India.

61. Mr. NASIER (Indonesia) said that he had listened with interest to the statement made by the Minister of Justice of Angola, which had included a reference to the so-called question of East Timor. As a developing country, Indonesia shared the same experience of living under a colonial regime and the burden of underdevelopment associated with it. It was sympathetic to the plight of Angola as a nation grappling with those problems amid the difficulties it had encountered since independence in 1976, most of them not of its own making but, rather, attributable to its former colonial master. Indonesia was seriously concerned over continuing human rights violations in Angola, where tens of thousands of people were reported dead and many more were still suffering from the tragic conflict. The root cause was the completely bungled decolonization process. However, it wished to draw the attention of the Angolan Minister of Justice to the fact that it was precisely to free themselves from such a horrible colonial legacy that the people of East Timor had chosen their path of independence through integration with Indonesia. While they might still have a long way to go to make up for lost time, the East Timorese people were now enjoying a more peaceful, secure and prosperous life than ever before.

62. Ms. SILVERA NUÑEZ (Cuba) said that the representative of the International Immigrants Foundation had shown ignorance and ineptitude in affirming that progress had been made towards the eradication of apartheid, a claim that was contradicted by information currently being placed before the Commission. Not only had he revealed his complete political myopia but, when referring to her country, had displayed a racist mentality in seeking to divide Cuban society - which was an integrated whole - along lines of colour or ethnic origin. He no doubt wished to see in Cuba the racial segregation that had existed before the triumph of the revolution in 1959, with blacks barred from certain places or institutions reserved exclusively for a white élite. In that connection, it was worth recalling what the revolution had achieved for the development of the nation at all levels, as well as the words of José Marti that, more than white, black or mulatto, the people were Cubans.

63. Mr. HUSSAIN (Pakistan) said that the remarks of the representative of India were in sharp contradiction with the history of ethnic cleansing in which India had indulged over the past 10 years, including the destruction of Temples and Mosques and the killing of thousands of Muslims. In response to the comments regarding his own country, he wished to make two points. First, Pakistan had invited a distinguished Indian architect from New Delhi to repair its damaged temples. Would India, in turn, keep its promise of rebuilding the Babri Masjid? Second, could the representative of India deny the report in the Time magazine issue dated 15 February 1993 that Muslims in India were worse off than the Hindu untouchables, as well as the news item in the New York Times of 4 February 1993 that Nazi-style pogroms had been carried out as part of ethnic cleansing of the Muslims in Bombay?

64. Mr. CHANDRA (India) said that Pakistan's tirade on the position of minorities in India was totally unjustified. His country's secular temper, its traditions, Constitution and institutions had over the decades ensured that the rights of the minorities were fully safeguarded and that they were active participants in national life. The recent incidents of violence in India were an aberration and had been condemned in the strongest possible terms not only by the leadership but also by the vast majority of Indians. Action was in hand to bring the guilty to book, provide relief to the sufferers and ensure that amity and harmony were fully restored. In contrast to India's positive tolerance, Pakistan positively oppressed the minorities. That was borne out by the fact that the Hindu population in Pakistan had declined over tenfold since 1947. The Pakistan Government's connivance in and support of destruction of minority places of worship was well documented. On 8 December 1992 a parish priest in Karachi had been denied help by the authorities in the face of attacks on his church. Moreover, the current move to specify religious denominations on identity cards was nothing short of religious apartheid. Pakistan should set its own house in order instead of making allegations against India. It was using the Commission for a debate on India-Pakistan relations and only distracted it from its work.

65. The CHAIRMAN invited the Commission to turn to item 25 of its agenda.

66. Mr. RODRIGUEZ (Costa Rica) said that the countries of the Latin American and Caribbean region, on whose behalf he was speaking, unreservedly supported the initiative to hold the Second World Conference on Human Rights, which would become a reality in only a few months. The World Conference afforded the opportunity to take stock of developments over the previous quarter of a century and to propose new ways and means of addressing issues connected with the protection and promotion of human rights in the twenty-first century. That was all the more essential since, with the end of the cold war and its authoritarian and dictatorial regimes, new problems had emerged, including alarming manifestations of intolerance, racism and xenophobia, as well as religious dogmatism and ethnic hatred once thought to have disappeared.

67. The World Conference should be fully guided by General Assembly resolution 45/155, establishing its objectives and agenda in a pragmatic manner, focusing on the achievement of real and tangible progress in improving the human rights of all persons throughout the world and ensuring the complete universality of human rights. Suitable mechanisms had to be found to promote and protect the human rights of those groups most discriminated against, namely women, children, migrants, refugees and racial, religious, linguistic and sexual minorities. Refugees and migrants called for special attention, as they would be among the largest and most disadvantaged groups in coming years; priority in that regard should be given to migrant and refugee women. The relevant bodies of the United Nations system, and in particular the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, should be represented at Vienna to join in efforts to determine what mechanisms were needed to help those vulnerable groups.

68. Another vulnerable group deserving attention was children. While the Convention on the Rights of the Child was an extremely important instrument, it had not been in force long enough to counter the various forms of exploitation of children throughout the world. The 1949 Convention for the

Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others needed urgent revision to halt the shameful spectacle of child prostitution. Moreover, with regard to child labour and the use of children in armed conflicts, it was essential for the International Labour Organisation and the International Committee of the Red Cross to cooperate with the Centre for Human Rights in finding ways of preventing the exploitation that still took place in many countries.

69. His delegation believed that human rights must be regarded as indivisible, inalienable and interdependent and that no right should be promoted without regard for all others. Economic, social and cultural rights were as important as civil and political rights. The linkage between a healthy environment and human rights was of vital importance for the future and should likewise be given due attention at the World Conference. Extreme poverty, drug trafficking and the insecurity caused by terrorism were also issues that needed to be addressed. In that regard, the lack of interest shown by the developed countries in the problems and challenges facing the developing countries was to be deplored. The latter were seriously concerned about the consequences that might have for the cause of human rights. Ultimately, of course, they had responsibility for the protection and promotion of human rights, but they believed that the developed world also bore its share of responsibility and had an important role to play.

70. The Conference should, furthermore, help to strengthen the machinery for implementation of human rights. Regrettably, in recent years, many States had turned the existing machinery into an end in itself, believing that the submission of the required reports sufficed to fulfil their obligations regarding the implementation and promotion of human rights. New and original ways and means for the promotion of such rights had to be found. The effectiveness of existing procedures had to be re-evaluated and coordination among the various United Nations bodies was necessary to avoid duplication and focus better on the aspects of monitoring and promotion of human rights. The World Conference should also examine the possibility of establishing an office of United Nations High Commissioner for Human Rights, an old idea which in past decades had not come to fruition because of the deep geopolitical and ideological divisions within the international community but which had been reiterated at the San José regional preparatory meeting for the World Conference.

71. The San José regional meeting, which his Government had been greatly honoured to host and at which virtually all the Latin American and Caribbean countries had been represented, had proved to be a very important and enriching experience fostering agreement on regional problems in the field of human rights, with special emphasis on the most vulnerable population groups. The San José Declaration also emphasized the importance of strengthening the United Nations Centre for Human Rights and called on the Organization to allocate the resources needed for its proper functioning. The Tunis meeting, too, had produced important documents, and it was to be hoped that the Asian regional meeting would likewise soon be able to make a positive contribution to the work of the World Conference.

72. Mr. HALINEN (Finland), speaking on behalf of the Nordic countries, said that there were high expectations for the fourth and last session of the

Preparatory Committee, at which the Nordic countries would present their views on substantive issues. Political will and mutual understanding would be needed to create a foundation for a successful outcome. Approval of the agenda for the World Conference by consensus and in a spirit of compromise was an important step forward and the Preparatory Committee should now concentrate urgently on the concluding document. In that regard, contributions from the Centre for Human Rights would be welcome.

73. The various regional and interregional meetings had contributed to the preparatory process in an encouraging way, and the broad participation of NGOs at those meetings had been valuable. In that connection, the fact that there had been no European regional meeting meant that the participation at the Conference itself of European NGOs without consultative status needed to be addressed.

74. Many satellite meetings had provided the preparatory process with valuable suggestions and recommendations. For example, the Council of Europe had organized an interregional meeting in Strasbourg in January 1993 where the challenges and threats confronting human rights at the end of the twentieth century, as well as the main lines of future action, had been identified. Mention should also be made of the ninth Nordic seminar on human rights organized in January in Lund, Sweden, as a follow-up to the Iceland seminar in June 1991. The report of the seminar would be made available to the Preparatory Committee. Participants in the Strasbourg and Lund meetings had expressed a firm determination to strengthen further the United Nations human rights programme and the implementation of human rights standards. It was hoped that the World Conference would recommend how human rights could be firmly established as a priority in the United Nations system.

75. A considerable part of the deliberations in Lund had focused on the linkages between human rights, democracy and development. It had been noted that it might be the first time in history that a majority of States had declared support for government based on democracy and the rule of law. In that regard, the Nordic countries welcomed the statements made in the Tunis and San José Declarations. The breakdown of ideological barriers and the transformation of authoritarian regimes to democracy had brought new opportunities for consensus in the human rights field. The Nordic countries expected the World Conference to advance the discussion on that important subject.

76. Other central issues discussed at the Lund seminar related to group rights and ethnic conflict, universal adherence to human rights instruments, improvement and consolidation of implementation procedures, the role of NGOs and the system-wide application of human rights in the United Nations. The role of development cooperation would be explored further at a meeting in Stockholm in February 1993.

77. The Nordic countries saw the World Conference as an important opportunity for the international community to confirm the universality of human rights and pursue a constructive dialogue on ways and means of improving their implementation, thereby helping to promote democratic progress and development. Governments should, at the Conference, reaffirm their responsibility for the implementation of human rights. In the concluding

document, reference should be made to concerns such as the plight of the most vulnerable groups, particularly women, children, indigenous peoples and the victims of war displacement and persecution. The eradication of grave violations such as torture, summary executions and disappearances should also be given special emphasis.

78. The Nordic countries remained committed to a successful outcome of the World Conference. They intended to participate actively in the preparatory process and in the Conference itself and were determined to continue to work towards ensuring that it would achieve concrete results and promote the cause of human rights worldwide.

79. Mr. KOSSENKO (Russian Federation) said that, in view of the difficulties encountered in the preparatory process, informal drafting work should begin without delay on an outline for the main concluding document or documents, which should envisage practical measures, and not merely reiterate general declarations, so that the conclusions, recommendations and decisions of the World Conference would serve as the basis for global consensus within the international community on key human rights issues, thereby contributing through action, not words, to universal implementation of international norms and standards. To that end, the Conference might proclaim an International Decade of Human Rights and adopt a concrete United Nations plan of action in the field of human rights covering that period. Documents to guide the World Conference might include the Declaration of Minimum Humanitarian Standards and the draft universal declaration on indigenous peoples, which were under consideration by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the draft charter of moral values of mankind prepared by the International Humanist and Ethical Union.

80. The provisional agenda for the World Conference, adopted by the General Assembly in December 1992, provided an excellent framework for in-depth and practical discussion of ways and means of improving the effectiveness of international mechanisms for the protection and promotion of human rights. In reviewing progress since the adoption of the Universal Declaration, emphasis should be placed on the last 25 years, taking into account enormous changes that had occurred in the world over that period, and in particular the increasingly rapid transition to democracy within the last four or five years. In that connection, attention must be given to the relationship and complementarity between the international and the regional human rights systems, bearing in mind the conclusions of the regional preparatory meetings in Tunis, San José and Bangkok, as well as the free exchange of views between European States that had taken place in Strasbourg in January 1993.

81. Given the importance of the linkage between democracy and development, delegations should refrain from engaging in futile academic debates about the primacy of any one human right over others. A compromise formula for considering the problem might be to consider that the combination of human rights and human-oriented development formed the concept of democracy, while the relationship between them was conditioned by the specificity of the historical, national, political and other factors characterizing the given, specific stage reached in the evolution of each individual country. From that approach it clearly followed that interbloc confrontation, which had for so

long senselessly polarized the world along ideological lines, must in no event be replaced today by a new geopolitical divide between North and South, rich and poor. The common denominator in that scheme, a sound basis for a common world-view and a criterion for membership of a united world on the threshold of the twenty-first century, was the modern concept of human rights. Thought should therefore be given, well in advance of the World Conference, not only to enforcement aspects of the universal realization of human rights in the years ahead but also to the establishment of a broad and effective international system together with national systems to raise public awareness of human rights through teaching, dissemination of information, dialogue and cooperation on those crucial issues.

82. The effectiveness of future United Nations efforts could be ensured only through a significant increase in the Organization's financial and human resources for those purposes, by eliminating or restructuring inefficient and obsolete programmes relating to other activities. Why not be realistic and look at human rights as a productive sector capable of offering each State and each human being tangible benefits through appropriate organization? In his delegation's view, it was time to explore ways and means, both voluntary and obligatory, of drawing on resources, for example those of the transnational corporations, to strengthen democratic institutions and the foundations of a State governed by the rule of law in those countries wishing to obtain such assistance from the international community. The World Conference should take a clear position on that subject. In the same context, his delegation actively supported the idea of holding a working meeting of representatives of national human rights institutions within the framework of the World Conference.

83. In conclusion, he hoped that all Member States would take a keen interest in the preparatory process so that the World Conference would be not merely an expanded version of the regular sessions of United Nations human rights bodies, often weighed down by rhetoric and polemics, but a turning-point on the way to closer and more united efforts by the world community to fulfil the sacred ideals of human rights, freedom and personal dignity.

84. Mr. WILLIS (Australia) said that his country welcomed the forthcoming World Conference on Human Rights as an opportunity to reinforce international commitment to universally accepted standards of human rights as laid down in the Universal Declaration, to examine more effective ways of implementing and monitoring the human rights standards elaborated in the international treaty system, to advance constructive, non-confrontational dialogue between countries and between regional groups on the observance of human rights and to agree on practical proposals to promote, protect and implement fundamental economic, social, cultural, civil and political rights. Useful contributions had already been made to the preparatory process at the African and Latin American and Caribbean regional meetings and Australia looked forward to playing a constructive role in the Asian regional meeting, as well as at the fourth session of the Preparatory Committee in April.

85. One matter of special interest to Australia, and to other countries it had consulted, was its proposal that the World Conference could invite each State to draw up a written plan of action identifying steps to improve its observance of human rights. States could then inform the Commission of

their plans. Each State would choose whether or not to commit itself to an action plan and, if it did so, would have sole responsibility for that plan. On the basis of the common commitment to human rights and with the objective of ensuring the effective enjoyment of all human rights, each State, in the preparation of its plan, would take its own circumstances as the starting-point. Action plans could assist States in identifying and extending their activities aimed at the promotion of human rights, thereby strengthening the human rights system. It should be stressed that the concept did not involve any imposition on States, but deciding on a national action plan could be an effective way of improving human rights performance and would also be a practical way of demonstrating commitment to the objectives of the World Conference.

The meeting rose at 8.55 p.m.